

*Arizona Supreme Court  
Judicial Ethics Advisory Committee*

ADVISORY OPINION 96-02  
(March 11, 1996)

**Propriety of Judge Holding Leadership Position  
In Association of Counties**

**Issue**

May a judge serve as president of the Arizona Association of Counties?

**Answer:** No.

**Discussion**

The Arizona Association of Counties, according to its own statement, was formed as a means of exerting more influence on behalf of counties at the legislature. The association lobbies on a wide variety of legislation affecting county government and county officials.

Canon 4C(1) says:

A judge shall not appear at a public hearing before, or otherwise consult with, an executive or legislative body or official except on matters concerning the law, the legal system or the administration of justice or except when acting pro se in a matter involving the judge or the judge's interests.

Because AACO's legislative agenda concerns many matters that are outside "the law, the legal system or the administration of justice," serving as the association's president will conflict with Canon 4.

Additionally, judges often hear lawsuits in which a county is a party. If a judge simultaneously serves as an advocate for the county in the legislature, competing with lobbyists for the state, private businesses and others, the judge may not be able to be impartial where statutory validity and interpretation are at issue. In the public's eye, the judge may be perceived as being on the county's side in matters before the court. Canon 2A, however, requires a judge to maintain public confidence in the integrity and impartiality of the judiciary by avoiding even the appearance of impropriety.

**Applicable Code Sections**

Arizona Code of Judicial Conduct, Canons 2 and 4 (1993).